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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 UNITED STATES OF AMERICA,

CASE NO. CR04-205-MJP

9  
10 Plaintiff,

11 v.

REPORT AND RECOMMENDATION ON  
VIOLATION OF SUPERVISED RELEASE

12 MICHELLE R. SMITH,

13 Defendant.  
14

15 INTRODUCTION

16 I conducted a hearing on alleged violations of supervised release in this case on  
17 March 30, 2006. The United States was represented by Michael Lang. The defendant  
18 was represented by Lee Covell. The proceedings were recorded on disk.  
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20 CONVICTION AND SENTENCE

21 Defendant had been convicted of Conspiracy to Import Heroin on or about  
22 February 10, 2003. The Hon. Carol B. Amon of the U.S. District Court, New York  
23 Eastern sentenced Defendant to nine (9) months of confinement, followed by three (3)  
24 years of supervised release.

25 The conditions of supervised release included requirements that defendant comply  
26 with the standard 13 conditions.  
27

28 DEFENDANT'S ADMISSION

1 USPO Michael Larsen alleged that Defendant violated the conditions of supervised  
2 release in five (5) respects:

- 3 (1) Filing a False or Fraudulent Income Tax Return on or about March 1, 2005,  
4 in violation 26 U.S.C. § 7206, and the mandatory condition not to commit  
5 another federal, state, or local crime.
- 6 (2) Failing to submit a truthful and complete written report for the Months of  
7 August through December 2004 and January through September 2005, by  
8 failing to disclose her employment with Holiday Resales Incorporated, in  
9 violation of standard condition number two.
- 10 (3) Failing to notify the probation officer ten days prior to any change in  
11 employment on or about August 2, 2004, in violation of standard condition  
12 number six.
- 13 (4) Failing to answer truthfully all inquiries by the probation officer on or  
14 about August 24, 2004, and continuing through on or about October 27,  
15 2005, in violation of standard condition number three.
- 16 (5) Failing to notify the probation officer ten days prior to any change in  
17 residence on or about September 10, 2005, in violation of standard  
18 condition number six.

19 I advised the defendant of these charges and of her constitutional rights. At the March  
20 30, 2006 hearing, defendant denied violation no. 1, admitted violation numbers 2-5, and  
21 waived any hearing as to whether they occurred. An evidentiary hearing as to violation  
22 no. 1 was set and then reset for May 9, 2006. The evidentiary hearing was later stricken  
23 when the government agreed to withdraw allegation number 1. The parties consented to  
24 having the matter set for a disposition hearing before the Hon. Marsha J. Pechman on June 5,  
25 2006.

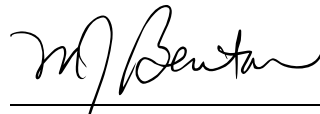
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RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of her supervised release as alleged above; dismiss allegation no. 1, and set the matter for a disposition hearing.

Defendant has been released pending a final determination by the court.

DATED this 4<sup>th</sup> day of May, 2006.



MONICA J. BENTON  
United States Magistrate Judge

cc:	Sentencing Judge	:	Hon. Marsha J. Pechman
	Assistant U.S. Attorney	:	Michael Lang
	Defense Attorney	:	Lee Covell
	U. S. Probation Officer	:	Michael Larsen